S.B. Criminal Misc. 2nd Bail Application No.6257/2006
Tofa Devi and another Vs. State of Rajasthan

Date Of Order :: 7.11.2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. Mukesh Kumar Verma, counsel for petitioners.
Mr. R.P. Kuldeep, Public Prosecutor for State.

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This second anticipatory bail application under section 438 Cr.P.C. has been filed by accused petitioners Tofa Devi and Sita Ram in FIR No.15/2006 registered at Police Station Nangal Rajavatan for the offence under sections 420, 467, 468 & 471 IPC.

First anticipatory bail application was disposed of on 19/7/2006 on the statement of the Public Prosecutor that police has found this matter to be of civil nature.

Heard learned counsel for accused petitioners, learned Public Prosecutor for the State, perused the case diary and other material produced during the course of arguments.

Learned counsel for accused petitioners contended that Lohadi entered into agreement of sale of the disputed land on 13/9/2004 with the accused petitioner and received the amount and handed over the possession of the disputed land and on the same day the complainant Lohadi executed a general power of attorney in favour of Om Prakash, son of the accused petitioner. It is also submitted that subsequently a registered sale deed has also been executed in favour of the accused petitioner by the power of attorney holder. It is also submitted that on account of escalation of the prices this false complaint came to be lodged. It is also submitted that a civil suit is also pending before the competent court.

Learned Public Prosecutor opposed the bail application.

Without making any observation on merits, having

considered the rival submissions made at the bar, nature of accusation, material on record and all other facts and circumstances and the fact that civil suit is also pending before the competent civil court, I deem it proper to grant the benefit of pre-arrest bail to accused petitioners Tofa Devi and Sita Ram.

In the result, the bail application is allowed and it is directed that in the event of arrest of petitioners Tofa Devi W/o. Ramesh Chandra and Sita Ram Devi S/o. Shravan Lal, they shall be released on bail by the concerned SHO/Investigating Officer in FIR No.15/2006 registered at Police Station Nangal Rajavatan provided each of them furnishes a personal bond in the sum of Rs.10,000/- together with two sureties each in the sum of Rs.5,000/- to his satisfaction on the following conditions:-

1. that the petitioners shall make themselves available for interrogation by a police officer as and when required;
2. that the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or any police officer; and
3. that the petitioners shall not leave India without previous permission of Court.

(J.R. Goyal),J.

VS Shekhawat/-
Jr.P.A.